



A MONTHLY ELECTRONIC NEWSLETTER TO THE 41ST ASSEMBLY DISTRICT
 (Including Agoura, Agoura Hills, Calabasas, Encino, Hidden Hills, Lake Sherwood, Malibu, Oak Park, Pacific Palisades, Port Hueneme, South Oxnard, Santa Monica, Tarzana, Topanga, Westlake Village, and Woodland Hills)

FEBRUARY 2007

LAO Updates Budget Assessment

California's Legislative Analyst's Office is the fiscal watchdog in Sacramento, providing important information on a nonpartisan basis on the state's financial issues. Elizabeth Hill, the current Legislative Analyst, made an initial review of the Governor's proposed budget last month, and I included her comments in my January newsletter. At that time she advised that the budget was "based on a number of optimistic assumptions."

On February 21, she released two large budget publications – *Analysis of the 2007-08 Budget Bill* and *The 2007-08 Budget: Perspectives and Issues*. Both can be found on the LAO's website at www.lao.ca.gov.

Below are the main issues that remain of concern to her:

- Adoption of the Governor's proposed budget would result in a \$726 million deficit in 2007-08 rather than the \$2.1 billion reserve the Governor identified.
- Adoption of his budget would leave California with large operating shortfalls in future years, peaking at \$3.4 billion in 2008-09 unless corrective actions are taken.
- The Legislature and the Governor will need to find additional solutions in order to bring the budget into balance.



In order to balance the budget, the LAO offered a number of specific recommendations.

- In Proposition 98 (the education funding guarantee), for example, current year K-14 spending now significantly exceeds the minimum funding guarantee. She suggests that selective reductions "that have minimum impact on programs" could achieve 2006-07 and 2007-08 savings.
- The state could also reduce the additional payments it is making to pay off the deficit-financing bond.

With Proposition 98 a critical, and voter-approved, guarantee to our schoolchildren, and as Chair of the Assembly Budget Subcommittee #2 on Education, I will be viewing any suggestions to balance the budget using Proposition 98 funding with great caution. I am also very concerned that cuts elsewhere in the budget that may be needed to bring the budget into closer balance do not impact our obligations to the elderly, disabled, and other vulnerable populations that have been disproportionately hit to help close past budget shortfalls.



Ventura County Faces Recovery from Freeze

Agriculture and its many facets is a huge part of the economy and character of Ventura County. The hard freeze in mid-January delivered a severe blow. I immediately had my staff contact Supervisors Long and Parks to offer whatever assistance I could, both short and long term, to the County or other agencies that would be called into action. My office also participated in weekly teleconference calls with all impacted stakeholders, and attended a briefing by the Ventura County Agriculture Commission.

The early estimate of crop losses, including avocados, citrus, berries, and nursery stock was close to \$300 million, but it will take time to learn what will recover and what was killed, including trees.

The human toll was of greatest concern. Growers will face economic hardship. But there were also fears that farmworkers who live week to week, and on whom the growers are dependent, would be forced to leave the area. Most were almost immediately in dire circumstances, and unable to pay weekly rents and utilities, buy food, etc. The state Department of Employment Disability and Development engaged in outreach activities to farmworkers who are reluctant to contact government agencies. They worked to provide them with information on emergency assistance at Food Share through the United Way and from other social service groups.

Malibu Stormwater Treatment Facility

Congratulations to the City of Malibu on the opening of their new stormwater treatment plant. Funded primarily with grant and City money, this new facility will collect and treat runoff from existing stormdrains in the Civic Center/Cross Creek area. The water will be treated and, for now, sent into Malibu Creek.

Ultimately, when the City develops the Chili Cookoff property as a part of their total wastewater treatment system, the filtered and disinfected water will be used to irrigate the new park that will be part of the development of that site. This is a critical project for Malibu as it faces serious regulations limiting what is allowed in our watersheds, including what arrives in the City of Malibu as runoff at the bottom of the Malibu Creek Watershed.



EPA Steps in on Halaco Cleanup

There is finally some good news about this contaminated former metals reclaiming facility in Oxnard. The prominent 40-foot high heap of slag marks its presence right on the waters' edge, and in the middle of the Ormond Beach Wetlands Restoration Project. Halaco has been the resistant object of enforcement actions by the Regional Water Quality Control Board and other regulators for decades. The good news is that it is now being stabilized for stormwater runoff and wind erosion by the United States Environmental Protection Agency.

NOAA (National Oceanic and Atmospheric Administration) had the excellent idea last summer of asking the EPA Emergency Response Team if they could help with the much-needed cleanup. Up until this point, it was not known that this unusual and aggressive EPA division was available for this kind of project. Their engagement was a breath of governmental fresh air – bringing in the tools and freedom to act quickly. When the State Coastal Conservancy heard about the Emergency Response Team, they said “come on in, we need your help, what can we do?” And their attendance at a meeting of the Ormond Beach Taskforce to report on what they could and would do was greeted with enthusiastic applause.



Neither the nature nor the extent of the contaminants on the site, which are leaching into the soil and running off into the ocean, are reportedly in dispute. Sampling has disclosed the presence of heavy metals including, but not limited to, arsenic, beryllium, chromium, lead, and thallium; and radionuclides such as cesium-137, and thorium 232, 230, and 228.

Chickadee Remediation, which purchases contaminated properties and cleans them to sell for private development, bought Halaco. The EPA stepped in after Chickadee balked at taking timely action to do the winterization. Chickadee is also disputing the EPA's cost estimates to clean it up to EPA standards.

The site is now being considered for Superfund status, which would allow the U.S. Government to do the cleanup, and then charge back all costs to the responsible party. Chickadee assumed liability for whatever is on the site when it purchased, and remains liable even though it subsequently sold the property itself to residential developer, Alpha Omega.

The decision by the EPA on whether to put this property on the Superfund list is expected in April. I will be sending a letter to the EPA, strongly supporting the need for Federal assistance in order to get this site cleaned up as soon as possible, especially since Alpha Omega apparently has hopes of putting housing on this property. Any health risks to those potential residents based on the environmental contamination must be fully resolved before any such an application should be allowed serious consideration.

Westside Transit Moves Ahead

One of the exciting new transit projects that the Metropolitan Transportation Authority has under construction is the Exposition Light Rail Project. Phase 1 will speed passengers from Culver City to downtown L.A. Phase 2 is now being studied to extend Expo from Culver City to Santa Monica, completing the project.

Several public scoping meetings have been scheduled. In the 41st AD the closest meeting will be in Santa Monica.

Tuesday, March 6, 2007
6:30 p.m. Santa Monica Civic Auditorium
1855 Main Street, East Wing Meeting Room.
Special free parking off Main Street.



www.buildexpo.org

Cabrillo Port LNG Platform Application Set for Two Critical April Hearings

The application of BHP Billiton, an Australian mega-corporation, to moor a massive floating platform for the offloading and regasification of liquefied natural gas off the Malibu and Oxnard coasts will be subject to two important hearings in April.

The **State Lands Commission** on certification of the EIR and the needed land lease.

Monday, April 9, 2007

10:00 a.m. – expected to run all day
Oxnard Performing Arts Center
800 Hobson Way, Oxnard

The **California Coastal Commission** on consistency with California's coastal protection policies.

Thursday, April 12, 2007

Time TBA (in March newsletter)
Doubletree Inn
633 East Cabrillo Blvd., Santa Barbara

These are both critical actions with respect to the chances of the project proceeding. If the State Lands Commission does not certify the EIR or grant the lease, the project cannot proceed. If the Coastal Commission does not find consistency, then BHP Billiton would have to appeal that decision to the Secretary of Commerce to overturn it. And Governor Schwarzenegger has the right to veto the project, with no right of the Federal government to override.

Below is the letter I submitted to the Ventura County Star earlier this month. It was in response to a column they printed from Robert F. Kennedy, Jr. on the issue of LNG:

"I respectfully disagree with the editorial opinion of Robert F. Kennedy, Jr., in Sunday's Ventura County Star encouraging support for the proposed Cabrillo Port LNG floating regasification facility offshore from Oxnard and Malibu. He is right that we must transition to sustainable fuels and cleaner renewable energy sources, including solar, wind, and biofuels. And we must conserve.

"Mr. Kennedy rightly points out the environmentally-destructive consequences of fossil fuel production, and describes nuclear energy as "the most catastrophically expensive fuel source ever conceived." While natural gas is a clean fuel that most of us have in our homes and use on a daily basis, his concession that the LNG facility he would have us support must be "properly sited and constructed" is the key, and, I believe, leads to precisely the opposite conclusion with respect to Cabrillo Port.

"BHP Billiton's proposed Cabrillo Port proposed floating regasification platform is a new, novel, and totally untested technology, with no track record anywhere in the world on safety or environment impacts. Oxnard and Malibu families would be the first to face the unknowns. What we do know is that Cabrillo Port has likely adverse impacts on marine life from warming of the sea water, potential interference with the operations of the Naval Base and the Port of Hueneme in the sea lanes, possible breaks in the 20+ miles of pipeline to be laid on the sea floor from the platform, explosive risks, environmental impacts on the City of Oxnard from the new underground pipelines to be laid, additional traffic congestion serving the operation, incompatibility with the restoration of the Ormond Beach wetlands, visual impacts, and degraded air quality. And much more.

"The air pollution that is projected for this project – one estimate at 484 tons per year – will confer on Cabrillo Port the dubious honor of becoming the top air polluter in Ventura County. BHP Billiton's answer to this dilemma was to engage in some high-level lobbying at U.S. EPA that successfully exempted the project from the very strict requirements it would have had to meet with the Ventura Air Pollution Control District, and moved assessment of air quality impacts to the much less stringent Channel Islands air basin, 20 miles offshore.

"Mr. Kennedy's conclusion that the ecological footprint of this proposed facility is preferable to the public health threats from burning dirtier fossil fuels is a false choice. Energy conservation is a choice. An accurate audit of what California's true long-term energy needs are is a choice. Assessing the environmental impacts in the correct on-shore air district that will live with the impacts is a choice. Subjecting this project to the highest possible level of environmental review and scrutiny is a choice. Including in the environmental review the impacts of production of the LNG that would be taking place in Australia, far from the reach of California's environmental oversight, is a choice.

"My first and highest priorities are protecting the health and safety of the residents of the 41st Assembly district. I have not yet seen any evidence that this contemplated project would be able to satisfy either test."

Congress Acts to Eliminate Tax Provisions That Hinder Recruitment of New Teachers

In 2003, the Legislature unanimously passed an Assembly Joint Resolution (AJR 29) authored by then-Assemblymember Fran Pavley. Under current law, retired public employees – including teachers – can lose up to 2/3 of their Social Security benefits because of two arcane Federal offsets (Government Pension Offset and Windfall Elimination Provision). These reduce Social Security for individuals who contribute to both Social Security and a public pension plan. AJR 29 urged the President and Congress to repeal the GPO and WEP and thus remove one of the financial obstacles for people who wish to leave the private sector and become teachers.



I was pleased to learn that Congress is now looking at taking this action, which I very much support. California needs 100,000 new teachers over the next decade. We need to encourage experienced people to move into this important profession, not make that choice unaffordable for them.

Appointments / Boards

Women's Commission

I was very pleased to be appointed this month to the State of California's *Commission on the Status of Women*. Established in 1965 under Democratic Governor Pat Brown, and signed into law by Republican Governor Ronald Reagan, this state agency is mandated to study issues affecting women and to advise the Governor and Legislature on inequities in laws, practices, and conditions that impact women.

Among the Commission's priorities are concerns for the needs of the underserved, women in correctional facilities, and the working poor. Issues that were the subject of Commission hearings or study over the past several years have included Human Trafficking, Child Custody and Sexual Abuse, the Economic Status of Women, and Pay Equity.

My thanks to Speaker Nunez for this opportunity to participate in some of the visioning on how California can improve the lives of 50% of our population.

Santa Monica Mountains Conservancy

With natural resources and open space acquisitions and protection of such importance to the 41st AD, I was also very excited to be appointed to serve as a Legislative Participant on the Santa Monica Mountains Conservancy. Established by the Legislature in 1980, the Conservancy since then has helped to preserve tens of thousands of acres of parkland, in both wilderness and urban settings. Their goal is an interlinking system of urban, rural and river parks, open space, trails, and wildlife habitats that are easily accessible to the general public. Through strategic alliances, they are well on their way. The acquisitions of Ahmanson Ranch and Soka University are two very proud examples of these partnership successes.



Take a Hike ...

Spring is still a few weeks away, but the weather is turning warmer and more beautiful. So take a hike! If you live on the Westside, the Temescal Canyon Association has a wonderful series of Sunday morning hikes in our public parklands. They all begin at 9:00 a.m. in Temescal Gateway Park at the northwest corner of Sunset Blvd. and Temescal.

- **March 25** – A six-mile hike on the Secret Trail in Malibu up to Calabasas Peak.
- **April 22** – A nine-mile hike, with moderate gain, along the Los Lions Trail to Trippet Ranch. Lunch with the Sierra Club to celebrate John Muir's birthday.
- **May 20** – A seven-mile moderate-gain hike from Malibu Creek Park to Paramount Ranch to the "Banjo and Fiddle Festival." Admission is \$12, \$7 for seniors.

Committee and Legislative Appointments

Chair, Assembly Budget Subcommittee #2 on Education

Aging and Long-Term Care
Budget

Budget Subcommittee #3 on Resources
Education
Natural Resources

Joint Legislative Budget Committee

Legislative Liaison, Santa Monica Bay Restoration Commission
California Commission on the Status of Women

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